

HOUSE BILL 1156

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11r2597

By: **Delegates Rudolph and James**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Northeastern Maryland Higher Education and Applied Technology Center**

3 FOR the purpose of establishing the Northeastern Maryland Higher Education and
4 Applied Technology Center; providing that the Center shall be governed by a
5 certain Board; establishing the number of voting Board members; providing for
6 the appointment of Board members; establishing the term lengths for Board
7 members; providing for the appointment of a Board chair; providing for the
8 establishment of certain committees; establishing the number of nonvoting
9 members; providing for the reimbursement of certain expenses; establishing the
10 length of members' initial terms; specifying the Board's powers; requiring the
11 Board to fulfill certain duties; providing for a director of the Center; specifying
12 the procedure for selecting a director; requiring the director to fulfill certain
13 duties; requiring the submission of a budget for certain purposes; specifying the
14 procedures for requesting certain appropriations; providing for the disposition of
15 certain property by the Board; providing certain liability protections for the
16 Board, its agents, and employees; defining certain terms; declaring the intent of
17 the General Assembly; and generally relating to the establishment of the
18 Northeastern Maryland Higher Education and Applied Technology Center.

19 BY adding to

20 Article – Education

21 Section 24–3A–01 through 24–3A–08 to be under the new subtitle “Subtitle 3A.
22 Northeastern Maryland Higher Education and Applied Technology
23 Center”

24 Annotated Code of Maryland

25 (2008 Replacement Volume and 2010 Supplement)

26 Preamble

27 WHEREAS, There is a growing need for higher education in Northeastern
28 Maryland; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The expansion of the Aberdeen Proving Ground has created a
2 demand for skilled workers with expertise in science, technology, engineering and
3 mathematics (STEM) Fields; and

4 WHEREAS, The general economic development of the Northeastern Maryland
5 region has manifested into a key economic driver and job center and depends on the
6 existence of a skilled and highly educated workforce; and

7 WHEREAS, The creation of the Northeastern Maryland Higher Education and
8 Applied Technology Center will meet these needs by providing quality upper division
9 undergraduate and graduate programs from both public and private institutions in the
10 State and beyond; and

11 WHEREAS, The Center will be a Northeastern Maryland regional entity, and
12 the Board of Governors shall work in partnership with area higher education
13 institutions, local public school systems, the business community, and Aberdeen
14 Proving Ground leaders in order to meet the higher education needs of the entire
15 Northeastern Maryland region; and

16 WHEREAS, The State will contribute funds towards the expansion of the
17 formally recognized Northeastern Maryland Higher Education and Applied
18 Technology Center; and

19 WHEREAS, The Board of Governors of the Northeastern Maryland Higher
20 Education and Applied Technology Center will be the governing board of the Center,
21 responsible for the financial management of the Center, needs assessment, academic
22 planning, program implementation, and evaluation of programs; and

23 WHEREAS, The maintenance and operation of the Northeastern Maryland
24 Higher Education and Applied Technology Center will be the responsibility of the
25 Board of Governors of the Center; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article – Education**

29 **SUBTITLE 3A. NORTHEASTERN MARYLAND HIGHER EDUCATION AND APPLIED**
30 **TECHNOLOGY CENTER.**

31 **24-3A-01.**

32 **(A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS**
33 **INDICATED.**

1 **(B) “CENTER” MEANS THE NORTHEASTERN MARYLAND HIGHER**
2 **EDUCATION AND APPLIED TECHNOLOGY CENTER.**

3 **(C) “BOARD” MEANS THE BOARD OF GOVERNORS OF THE**
4 **NORTHEASTERN MARYLAND HIGHER EDUCATION AND APPLIED TECHNOLOGY**
5 **CENTER.**

6 **(D) “COMMISSION” MEANS THE MARYLAND HIGHER EDUCATION**
7 **COMMISSION.**

8 **24-3A-02.**

9 **THERE IS A NORTHEASTERN MARYLAND HIGHER EDUCATION AND**
10 **APPLIED TECHNOLOGY CENTER, THAT IS GOVERNED BY A BOARD OF**
11 **GOVERNORS.**

12 **24-3A-03.**

13 **(A) THE BOARD CONSISTS OF THE FOLLOWING NINE VOTING MEMBERS:**

14 **(1) FIVE MEMBERS APPOINTED BY THE GOVERNOR;**

15 **(2) THREE MEMBERS APPOINTED BY THE HARFORD COUNTY**
16 **EXECUTIVE; AND**

17 **(3) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE CECIL**
18 **COUNTY BOARD OF COMMISSIONERS.**

19 **(B) (1) EACH MEMBER SERVES FOR A TERM OF 5 YEARS AND UNTIL A**
20 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

21 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
22 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2011.**

23 **(3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED**
24 **TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A**
25 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

26 **(C) (1) THE MEMBERS OF THE BOARD SHALL APPOINT ONE OF THE**
27 **VOTING MEMBERS TO ACT AS CHAIR.**

28 **(2) THE VOTING MEMBERS MAY ELECT OTHER OFFICERS AND**
29 **ESTABLISH COMMITTEES, INCLUDING ADVISORY COMMITTEES, AS NEEDED.**

1 **(D) IN ADDITION TO THE NINE VOTING MEMBERS, THE FOLLOWING**
2 **INDIVIDUALS SHALL SERVE AS EX OFFICIO, NONVOTING MEMBERS:**

3 **(1) THE COMMANDING OFFICER OF THE ABERDEEN PROVING**
4 **GROUND, OR THE COMMANDING OFFICER'S DESIGNEE;**

5 **(2) A REPRESENTATIVE OF THE CECIL COUNTY OFFICE OF**
6 **ECONOMIC DEVELOPMENT;**

7 **(3) A REPRESENTATIVE OF THE HARFORD COUNTY OFFICE OF**
8 **ECONOMIC DEVELOPMENT; AND**

9 **(4) A REPRESENTATIVE OF THE SUSQUEHANNA WORKFORCE**
10 **NETWORK.**

11 **(E) A MEMBER OF THE BOARD:**

12 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
13 **BOARD; BUT**

14 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
15 **STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.**

16 **24-3A-04.**

17 **(A) IN ADDITION TO THE OTHER POWERS EXPRESSLY GRANTED AND**
18 **DUTIES IMPOSED BY THIS TITLE, AND SUBJECT TO THE AUTHORITY OF THE**
19 **COMMISSION, THE BOARD HAS ONLY THE POWERS AND DUTIES SET FORTH IN**
20 **THIS SECTION.**

21 **(B) THE BOARD SHALL:**

22 **(1) EXERCISE GENERAL CONTROL OVER THE CENTER;**

23 **(2) KEEP SEPARATE RECORDS AND MINUTES; AND**

24 **(3) ADOPT REASONABLE RULES, REGULATIONS, OR BYLAWS TO**
25 **CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

26 **(C) THE BOARD MAY FIX THE SALARIES AND TERMS OF EMPLOYMENT**
27 **OF THE DIRECTOR AND OTHER EMPLOYEES OF THE CENTER.**

28 **(D) THE BOARD MAY PURCHASE, LEASE, OR OTHERWISE ACQUIRE ANY**
29 **PROPERTY IT CONSIDERS NECESSARY FOR THE OPERATION OF THE CENTER.**

1 **(E) (1) THE BOARD MAY SELL, LEASE, OR OTHERWISE DISPOSE OF**
2 **CENTER ASSETS OR PROPERTY.**

3 **(2) THE DIRECTOR OF THE CENTER OR THE CHAIR OF THE**
4 **BOARD MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT UNDER AN**
5 **APPROPRIATE RESOLUTION OF THE BOARD.**

6 **(F) THE BOARD SHALL ENSURE THAT ALL ACADEMIC PROGRAMS AND**
7 **POLICIES OF THE CENTER ARE IN COMPLIANCE WITH THE POLICIES OF AND**
8 **APPROVED BY THE COMMISSION.**

9 **(G) THE BOARD MAY ENTER INTO CONTRACTS OR OTHER AGREEMENTS**
10 **WITH ANY INSTITUTION OF HIGHER EDUCATION FOR THE PROVISION OF UPPER**
11 **DIVISION UNDERGRADUATE AND GRADUATE PROGRAMS TO MEET THE HIGHER**
12 **EDUCATION NEEDS OF NORTHEASTERN MARYLAND.**

13 **(H) THE BOARD MAY APPLY, ACCEPT, AND EXPEND ANY GIFT,**
14 **APPROPRIATION, OR GRANT FROM THE STATE, COUNTY, OR FEDERAL**
15 **GOVERNMENT OR ANY OTHER PERSON.**

16 **(I) THE BOARD MAY CHARGE REASONABLE FEES TO COVER THE**
17 **OVERHEAD COSTS ASSOCIATED WITH PROVIDING UPPER DIVISION**
18 **UNDERGRADUATE AND GRADUATE PROGRAMS.**

19 **(J) THE BOARD MAY SUE AND BE SUED.**

20 **(K) THE BOARD MAY MAKE AGREEMENTS WITH THE FEDERAL, STATE,**
21 **OR COUNTY GOVERNMENTS OR ANY OTHER PERSON, IF IT CONSIDERS THE**
22 **AGREEMENT ADVISABLE FOR THE OPERATION OF THE CENTER.**

23 **(L) THE BOARD MAY ADOPT A CORPORATE SEAL.**

24 **(M) IN ADDITION TO OTHER REPORTS THAT MAY BE REQUIRED BY THE**
25 **COMMISSION, THE BOARD SHALL:**

26 **(1) KEEP RECORDS THAT ARE CONSISTENT WITH SOUND**
27 **BUSINESS PRACTICES AND ACCOUNTING RECORDS USING GENERALLY**
28 **ACCEPTED ACCOUNTING PRINCIPLES;**

29 **(2) CAUSE AN AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC**
30 **ACCOUNTANT TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE**
31 **CENTER AND THE CONCLUSION OF EACH FISCAL YEAR; AND**

1 **(3) FOR ANY STATE MONEYS, BE SUBJECT TO AN AUDIT BY THE**
2 **OFFICE OF LEGISLATIVE AUDITS, IN ACCORDANCE WITH §§ 2-1220 THROUGH**
3 **2-1227 OF THE STATE GOVERNMENT ARTICLE.**

4 **(N) THE BOARD SHALL ENTER INTO AN AGREEMENT WITH HARFORD**
5 **COUNTY TO ESTABLISH GUIDELINES FOR THE USE AND OPERATION OF THE**
6 **CENTER.**

7 **24-3A-05.**

8 **(A) THE BOARD SHALL APPOINT A DIRECTOR OF THE CENTER.**

9 **(B) THE DIRECTOR SHALL:**

10 **(1) REPORT DIRECTLY TO THE BOARD;**

11 **(2) RECOMMEND THE APPOINTMENT BY THE BOARD OF**
12 **EMPLOYEES NECESSARY FOR THE EFFICIENT ADMINISTRATION OF THE**
13 **CENTER;**

14 **(3) RECOMMEND THE DISCHARGE OF EMPLOYEES FOR GOOD**
15 **CAUSE AND IN ACCORDANCE WITH APPLICABLE LAWS AND POLICIES;**

16 **(4) BE RESPONSIBLE TO THE BOARD FOR THE CONDUCT OF THE**
17 **CENTER AND FOR ITS ADMINISTRATION AND SUPERVISION;**

18 **(5) ATTEND ALL MEETINGS OF THE BOARD, EXCEPT THOSE**
19 **INVOLVING THE DIRECTOR'S PERSONAL POSITION; AND**

20 **(6) PERFORM OTHER DUTIES AS ASSIGNED BY THE BOARD.**

21 **24-3A-06.**

22 **(A) THE BUDGET OF THE CENTER, AS DEVELOPED BY THE BOARD,**
23 **SHALL:**

24 **(1) BE SUBMITTED TO THE COMMISSION AND THE APPROPRIATE**
25 **HARFORD AND CECIL COUNTY GOVERNMENT OFFICIALS FOR INFORMATIONAL**
26 **PURPOSES; AND**

27 **(2) INCLUDE PERSONNEL DETAIL.**

1 **(B) REQUESTS FOR APPROPRIATIONS FOR OPERATING EXPENSES FROM**
2 **HARFORD AND CECIL COUNTIES SHALL BE MADE TO THE APPROPRIATE**
3 **COUNTY OFFICIALS IN ACCORDANCE WITH:**

4 **(1) APPLICABLE COUNTY PROCEDURES AND REQUIREMENTS; OR**

5 **(2) AN AGREEMENT WITH THE APPROPRIATE COUNTY OFFICIALS.**

6 **(C) REQUESTS FOR STATE APPROPRIATIONS FOR SPECIFIC PROJECTS**
7 **SHALL BE SUBMITTED TO THE COMMISSION.**

8 **(D) PROPOSALS FOR CAPITAL PROJECTS, EITHER NEW OR**
9 **SUBSTANTIAL CHANGES TO EXISTING PROJECTS, SHALL BE SUBMITTED TO THE**
10 **STATE DEPARTMENT OF BUDGET AND FISCAL PLANNING.**

11 **(E) THE MAJOR FUNCTIONS OF THE CENTER SHALL GENERALLY**
12 **CONFORM TO THOSE CONTAINED IN THE CURRENT COLLEGE AND UNIVERSITY**
13 **INDUSTRY AUDIT GUIDE ISSUED BY THE AMERICAN INSTITUTE OF CERTIFIED**
14 **PUBLIC ACCOUNTANTS.**

15 **24-3A-07.**

16 **(A) THE COUNTY GOVERNMENTS OF HARFORD AND CECIL COUNTIES**
17 **MAY APPROPRIATE MONEY TO PAY THE COST OF ESTABLISHING AND**
18 **OPERATING THE CENTER, INCLUDING THE ESTABLISHMENT OF A RESERVE**
19 **FUND FOR MAINTENANCE AND REPAIR.**

20 **(B) THE EXPENDITURE OF APPROPRIATED FUNDS SHALL BE**
21 **CONSISTENT WITH ALL RELEVANT STATE LAWS.**

22 **24-3A-08.**

23 **(A) (1) THE BOARD MAY CARRY COMPREHENSIVE LIABILITY**
24 **INSURANCE TO PROTECT THE BOARD, ITS AGENTS, AND EMPLOYEES.**

25 **(2) THE PURCHASE OF THE INSURANCE IS FOR AN EDUCATIONAL**
26 **PURPOSE AND IS A VALID EDUCATIONAL EXPENSE.**

27 **(B) (1) THE BOARD MAY ADOPT STANDARDS FOR THE POLICIES,**
28 **INCLUDING A MINIMUM LIABILITY COVERAGE.**

29 **(2) ANY POLICY PURCHASED AFTER THE ADOPTION OF THESE**
30 **STANDARDS SHALL CONFORM TO THESE STANDARDS.**

1 **(C) THE BOARD COMPLIES WITH THIS SECTION IF IT IS SELF-INSURED**
2 **FOR AT LEAST \$100,000 AND NOT MORE THAN \$500,000 PER OCCURRENCE,**
3 **UNDER THE RULES AND REGULATIONS OF THE STATE INSURANCE**
4 **COMMISSIONER.**

5 **(D) THIS SECTION DOES NOT PREVENT THE BOARD, ON ITS OWN**
6 **BEHALF, FROM RAISING THE DEFENSE OF SOVEREIGN IMMUNITY TO ANY**
7 **AMOUNT OF A CLAIM IN EXCESS OF THE LIMIT OF AN INSURANCE POLICY OR IN**
8 **EXCESS OF \$100,000 IN THE CASE OF SELF-INSURANCE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
10 voting members of the Board of Governors of the Center shall expire as follows:

11 (1) 2 members in 2012;

12 (2) 2 members in 2013;

13 (3) 2 members in 2014;

14 (4) 3 members in 2015.

15 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
16 General Assembly that the Northeastern Maryland Higher Education and Applied
17 Technology Center not become a degree-granting institution of higher education, but
18 instead remain a facility where already existing degree-granting institutions may
19 offer their programs in order to meet the higher education needs of the Northeastern
20 Maryland region.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2011.